Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN: 017-02266-5120-058	Date: 12/14/17	Time: 0307 hours	
Location: 450 Bauchet Street		City or Station: Los Angeles	
Bureau/Station/Facility: Inmate Reception Center		Admin. Investigation: ○ YES ◉ NO	
Type of Force:			
Incident Category: ○1 ○2 ◉3	Deputy Injury: ◉ YES ○ NO	Suspect Injury ◉ YES ○ NO	
☐ Call	☒ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: ◉YES ○ NO	Person Notified: Lt Vince Carter	Emp: [redacted]	IAB Roll Out ◉ YES ○ NO

Involved Employee

E1

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Gamboa	Samuel	L	DSG

Sex	Race	Height	Weight	Age	Shift	
◉ M ○ F	H	510	165	[redacted]	◉ EM ○ Day ○ PM	◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Inmate Reception Center
Work Assignment (Unit #, Module, etc.): Custody Line Lead Deputy
Individual Force Used: Control Techniques/Personal Weapons/Team Takedown — ◉ Directed ○ Rescue ○ Medical Assist
Individual Category: ◉1 ○2 ○3
☒ Injured ☐ Treated ☐ Admitted Facility: N/A
Coroner Case #

E2

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Santos	Agustin	D.	CA

Sex	Race	Height	Weight	Age	Shift	
◉ M ○ F	H	511	200	[redacted]	◉ EM ○ Day ○ PM	◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Inmate Reception Center
Work Assignment (Unit #, Module, etc.): Custody Line Safety Check (T-15)
Individual Force Used: OC Spray/Control Techniques/Personal Weapons/TT — ◉ Directed ○ Rescue ○ Medical Assist
Individual Category: ◉1 ○2 ○3
☐ Injured ☐ Treated ☐ Admitted Facility:
Coroner Case #

E3

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]	[redacted]	DSG

Sex	Race	Height	Weight	Age	Shift	
◉ M ○ F	B	601	190	[redacted]	◉ EM ○ Day ○ PM	◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Inmate Reception Center
Work Assignment (Unit #, Module, etc.): 2nd Floor Senior
Individual Force Used: Control Techniques/Team Takedown — ◉ Directed ○ Rescue ○ Medical Assist
Individual Category: ◉1 ○2 ○3
☐ Injured ☐ Treated ☐ Admitted Facility:
Coroner Case #

On Duty Supervisor ☐ Additional Involved Employees

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Ojeda	Bernard	-	SGT	YES ◉ NO ○	YES ◉ NO ○

Supervisor Completing Investigation

Emp. #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Johnson	Steven	M.	SGT	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp. #	Last Name	First Name	Middle I.	Rank

Watch Commander / Supervising Lieutenant's **Signature:** ____ Date: 1/08/18 — Copy Provided to Employee by: ____ Emp #: [redacted]

Elier Morejon, Captain
Unit Commander **(Print Name)** — Unit Commander's **Signature**: ____ Emp #: ____ Date: ____

FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
SUSPECT INFORMATION

017 - 02266 - 5120 - 058

Suspect Information

S 1

Last Name: Rivera | First Name: Michael | Middle Name: Alexander | Armed? Select:

AKA Last Name: Rivera | First Name: Michael | Middle Name: --

Sex: (●) Male ( ) Female | Race: H | Age: 31 | Height: 511 | Weight: 250 | D.O.B: 11/23/86 | Phone #1: (●) H ( ) W (●) C None | Phone #2: ( ) H ( ) W (●) C None

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 5132058 | Primary Charge Code: 245 (c) PC | Secondary Charge Code: | [redacted] Criminal History

Treated on Scene? ( ) YES (●) NO | Name: LACFD - Capt Orozco | Unit: Engine 804 | Phone #: 213-485-6204

Hospital Admission? ☐ | Rec'd Treatment At: LCMC | Coroner Case #: N/A | Mental History ☐ User's guide provides direction on this entry

By: Dr. Molly Hartrich | Address: 2051 Marengo Street, Los Angeles | Phone #: 323-409-1000

Under Influence: ( ) YES (●) NO | Substance: | 5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry

Date: 12/14/17 | Time: 1438 | ☐ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

0 1 7 - 0 2 2 6 6 - 5 1 2 0 - 0 5 8

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Ojeda	Bernard	--

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Inmate Reception Center	1st Floor Sergeant	(•) EM ( ) Day ( ) PM	(•) Regular ( ) OT ( ) Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Kim	Erick	S.

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Inmate Reception Center	Watch Commander	(•) EM ( ) Day ( ) PM	( ) Regular (•) OT ( ) Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Greene	Kathyrn	M.

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Inmate Reception Center	Custody Line 5	( ) EM ( ) Day (•) PM	( ) Regular (•) OT ( ) Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	--	22	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
Hartrich	Molly	--		

Street Address	City	Zip Code	Phone #1	Phone #2
2051 Marengo Street	Los Angeles	90002	323-409100	

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ Additional Witness

Supervisor's Report on Use of Force

017 - 02266 - 5120 - 058

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Rivera	S# 1	Gamboa	E# 1	PH	AB	FA
Santos	E# 2	Rivera	S# 1	OC	CP	FA
Rivera	S#1	Gamboa	E#1	PH		FA
Santos	E#2	Rivera	S#1	PH		FA
Rivera	S#1	Gamboa	E#1	PH		CH
Gamboa	E#1	Rivera	S#1	CT		SH
Gamboa	E#1	Rivera	S#1	PH		FA
Santos	E#2	Rivera	S#1	PH		FA
Rivera	S#1	Santos	E#2	PO	CP	FA
Rivera	S#1	Santos	E#2	PO		AD
Santos	E#2	Rivera	S#1	PH		AD
Rivera	S#1	Santos	E#2	PH		AD
Rivera	S#1	Santos	E#2	CT		HI
Santos	E#2	Rivera	S#1	TT		BK
[redacted]	E#3	Rivera	S#1	TT		BK
Gamboa	E#1	Rivera	S#1	TT		HE
Rivera	S#1	Santos	E#2	RS		AR
Santos	E#2	Rivera	S#1	CT		AR
Rivera	S#1	[redacted]	E#3	RS		AR
[redacted]	E#3	Rivera	S#1	CT		AR
Rivera	S#1	Santos	E#2	RS		WR
Santos	E#2	Rivera	S#1	RH		WR
[redacted]	E#3	Rivera	S#1	RH		WR

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION - Continuation

017 - 02266 - 5120 - 058

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	King	Douglas	G.

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Inmate Reception Center	Custody Line 1	(●) EM ( ) Day ( ) PM	(●) Regular ( ) OT ( ) Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Hernandez	Jesus	A.

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Inmate Reception Center	Custody Line 2	(●) EM ( ) Day ( ) PM	(●) Regular ( ) OT ( ) Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Lopez	Adam	C.

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
Inmate Reception Center	Release Safety Check (T-15)	(●) EM ( ) Day ( ) PM	(●) Regular ( ) OT ( ) Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**Use of Force (Category Three)**
IAB FILE NUMBER:	**FO 2442941**
URN#:	**017-02266-5120-058**
DATE/TIME:	**December 14, 2017 at 0307 hours**
LOCATION:	**450 Bauchet Street, Los Angeles**

SYNOPSIS

Inmate Reception Center (IRC) personnel were involved in a use of force with Inmate Michael Rivera (Suspect) who sustained a left orbital floor fracture and a laceration to the right side of his forehead.

SUMMARY

On December 14, 2017, at 0240 hours, Suspect Rivera arrived at the IRC custody line from his housing location at Men's Central Jail. Suspect Rivera, a general population inmate, was scheduled to be transferred to Calipatria State Prison. When Deputy King told Suspect Rivera he needed to be fingerprinted, he refused and stated he was a sovereign citizen.

To assist Deputy King in gaining the compliance of Suspect Rivera, Deputy Greene interceded and explained the procedure was required for all outgoing inmates. Suspect Rivera remained uncooperative and would not allow personnel to fingerprint him due to his claim of sovereign citizenship.

Based on Suspect Rivera's behavior, Deputy Gamboa summoned Sergeant Ojeda. As personnel awaited the arrival of Sergeant Ojeda, Custody Assistant Santos ordered Suspect Rivera to sit on the metal bench in front of the custody line deputy station and to handcuff himself with the fixed restraint. Suspect Rivera complied and handcufffed his right wrist to the bench, using the handcuff tethered to the bench with a three foot long chain.

Prior to responding to the custody line, Sergeant Ojeda telephoned Lieutenant Kim and both agreed an effort should be made to fingerprint Suspect Rivera. Both supervisors were also in concurrence there were alternate (albeit less precise) means to positively identify Suspect Rivera.

Sergeant Ojeda arrived to the custody line at 0257 hours and attempted to gain Suspect Rivera's compliance. Suspect Rivera refused to be fingerprinted and stated he did not associate with any government authority.

Sergeant Ojeda devised a plan to obtain Suspect Rivera's fingerprints, as he sat handcuffed to the bench. Deputy Gamboa was tasked to apply an ink roller to Suspect Rivera's right hand as Custody Assistant Santos stood nearby with his oleoresin capsicum (OC) spray deployed. Additionally, the plan involved Deputy [redacted] standing nearby to use force if needed.

Sergeant Ojeda told personnel to retreat or "back off" if Suspect Rivera resisted their fingerprinting efforts.

As Sergeant Ojeda, Deputy [redacted] and Custody Assistant Santos approached Suspect Rivera to obtain his fingerprints, he refused but agreed to comply if the watch commander was present.

Sergeant Ojeda directed Deputy Greene to contact the watch commander, Lieutenant Kim, who responded to the location at 0305 hours and attempted to gain Suspect Rivera's compliance. Suspect Rivera advised Lieutenant Kim he was a sovereign citizen and would not consent to be fingerprinted.

Lieutenant Kim gave Sergeant Ojeda approval to execute their plan to retrieve Suspect Rivera's finger prints with the caveat personnel would disengage if met with resistive actions.

At 0307 hours, Sergeant Ojeda ordered Deputy Gamboa to apply the ink roller to Suspect Rivera's right hand. As Deputy Gamboa advanced toward Suspect Rivera, he quickly stood and punched Deputy Gamboa on the right side of his face with his left fist. The punch caused Deputy Gamboa to stumble backward. Custody Assistant Santos responded by employing a one second burst of OC spray toward Suspect Rivera. The OC spray predominantly landed on Deputy Gamboa's face but had little effect on Suspect Rivera.

Custody Assistant Santos responded by punching Suspect Rivera's upper back and rear head area two or three times with his right fist. Suspect Rivera countered the momentum of personnel moving him toward the wall by maintaining a wide, combative stance and punching toward Deputy Gamboa. Deputy Gamboa re-engaged in the fight by grabbing hold of Suspect Rivera's right shoulder with his left hand and by punching Suspect Rivera's upper torso and head area three times with his right fist.

Custody Assistant Santos delivered two right-hand uppercut punches to Suspect Rivera's face. As Suspect Rivera leaned forward, he thrusted his head back, striking Custody Assistant Santos' left cheek and stomach with the back of his head.

Custody Assistant Santos responded by punching Suspect Rivera's left rib area two or three times with his right fist. Suspect Rivera punched Custody Assistant Santos right rib/hip area and grabbed his waist.

IAB NOTE: Custody Assistant Santos told Internal Affairs Bureau (IAB) investigators he punched Suspect Rivera multiple times with his OC spray canister clenched within his closed right fist.

Unknown personnel shouted a command to takedown Suspect Rivera. As Custody Assistant Santos grabbed hold of the back of Suspect Rivera's shirt, Deputy [redacted] pushed Suspect Rivera's upper back forward. Deputy [redacted] quickly swept Suspect Rivera's legs with his right foot, causing him to fall into a prone position.

Deputy Gamboa guided Suspect Rivera to the ground by maintaining hold of his head and shoulders. Simultaneously, Custody Assistant Santos and Deputy [redacted] maintained control of Suspect Rivera's left and right arms respectively, as they took him to the ground. Despite Suspect Rivera's resistance, Deputy [redacted] and Custody Assist Santos successfully handcuffed both his wrists without further incident.

Personnel placed Suspect Rivera in a right recovery position and observed he sustained a bleeding, laceration to the right side of his forehead. Personnel treated Suspect Rivera's injury by elevating his head with towels and inmate clothing.

Paramedics arrived on-scene and transported Suspect Rivera to Los Angeles County/USC Medical Center (LCMC) where he was treated by Dr. Molly Hartrich. Dr. Hartrich applied three sutures to Suspect Rivera's laceration and diagnosed he sustained a left orbital floor fracture. Dr. Hartrich gave the opinion these fresh injuries were consistent with Suspect Rivera's involvement in a physical altercation with personnel.

Jail Investigations Unit submitted the felony charge of Assault on a Peace Officer, 245(c) PC, for a filing consideration which was later rejected by the Los Angeles County District Attorney's Office on January 24, 2018. This rejection was based on "judicial economy" since Suspect Rivera is currently serving his 18 year sentence in Calipatria State Prison for prior charges.

INVESTIGATION

IAB investigators retrieved and reviewed reports, **EXHIBIT A**, written by personnel on-scene during the use of force and a disc containing digital video footage of the incident, **EXHIBIT B**. This disc also contained Watch Commander

Lieutenant Geary's interview with Suspect Rivera, subsequent to the use of force during AM shift.

IAB NOTE: The use of force lasted approximately 27 seconds, based on incident video footage [EXHIBIT B].

The following were identified as being involved in the use of force: Deputies Gamboa, [redacted] and Custody Assistant Santos. The following witnesses were also identified: Lieutenant Kim, Sergeant Ojeda, Deputies Greene, [redacted] King and Custody Assistants Hernandez and Lopez. All of the aforementioned personnel authored reports pertaining to the incident and were subsequently interviewed by IAB investigators.

IAB NOTE: Deputy [redacted] officially resigned from the Department on December 27, 2017 and currently is an officer with Buena Park Police Department.

IAB investigators digitally recorded their interview with Suspect Rivera at Men's Central Jail and photographed his injuries. The interview video and photographs are submitted with this case as **EXHIBIT C**.

IAB investigators interviewed Suspect Rivera's treating physician, Dr Hartrich at LCMC and obtained Suspect Rivera's medical documents, **EXHIBIT D**.

Additionally, IAB investigators obtained the Los Angeles County District Attorney Charge Evaluation Worksheet/Case Disposition packet, **EXHIBIT E**, from the Jail Investigation Unit.

A copy of Suspect Rivera's criminal and inmate history printouts were obtained by IAB investigators and submitted with this case as **EXHIBIT F.**

INVOLVED EMPLOYEE AND WORK HISTORY

Samuel Gamboa, Deputy Sheriff, #[redacted]
Inmate Reception Center
Date of Employment: May 29, 2013
Date Assigned to Unit: [redacted]
Prior Founded Force Incidents:

[redacted] Deputy Sheriff, #[redacted]
Inmate Reception Center
Date of Employment: August 27, 2007
Date Assigned to Unit: [redacted]
Prior Founded Force Incidents:

Agustin Santos, Custody Assistant, #[redacted]
Inmate Reception Center
Date of Employment: July 14, 2005
Date Assigned to Unit: [redacted]
Prior Founded Force Incidents: 1

SUSPECT INFORMATION

Michael Alexander Rivera Male, Hispanic, DOB: November 23, 1986, 5'11", 250 pounds, Booking #5132058

Address: [redacted]
Booking Charges: 243 (b) PC, Battery on a Peace Officer

Criminal History: CII #[redacted], MAIN #[redacted], FBI #[redacted]

Suspect Rivera's criminal history [redacted]

IAB NOTE: On December 7, 2017, while housed at Men's Central Jail, Suspect Rivera was admonished for recalcitrant behavior, based on his refusal to be transferred to State Prison [EXHIBIT F].

SUSPECT'S INJURIES

Suspect Rivera sustained a 2 cm laceration on the right side of his forehead and a left orbital floor fracture (eye socket). He complained of pain to his jaw and exposure to OC spray.

DEPUTY PERSONNEL INJURIES

Deputy Gamboa sustained a 2 cm abrasion to the front of his neck and exposure to OC spray.

FORCE USED BY DEPUTY GAMBOA

Deputy Gamboa utilized personal weapons, control holds and a takedown.

FORCE USED BY DEPUTY [redacted]

Deputy [redacted] utilized control holds and a takedown.

FORCE USED BY CUSTODY ASSISTANT SANTOS

Custody Assistant Santos utilized personal weapons, OC spray, control holds and a takedown.

CRIMINAL INVESTIGATORS AND CHARGES FILED

The criminal investigation into Suspect Rivera's actions was handled by Jail Investigation Unit Detective Marco Miranda. A filing consideration of 243 (b) PC, Battery a Peace Officer, was submitted to Deputy District Attorney (DDA) Annemarie Acosta on January 23, 2018. On January 24, 2018, DDA Acosto rejected the filing of the charge based on the "Interest of Justice."

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions.

INVOLVED EMPLOYEE SAMUEL GAMBOA

Deputy Gamboa stated he was working EM shift as the custody line Lead Deputy on December 14, 2017. At approximately 0300 hours, Suspect Rivera, a general population inmate, arrived at the custody line from Men's Central Jail.

Deputy King approached Suspect Rivera and obtained his pass for the outgoing state prison line. When Deputy King attempted to retrieve Suspect Rivera's fingerprints, he verbally refused based on his claim of being a sovereign citizen.

Deputy Greene also attempted to get Suspect Rivera to consent to being fingerprinted. Suspect Rivera refused her request, based on his claim he was a sovereign citizen; Suspect Rivera maintained a calm demeanor. Suspect Rivera complied with Custody Assistant Santos' order to handcuff one of his wrists to a nearby bench.

Based on Suspect Rivera's refusal to be fingerprinted, Deputy Gamboa stated he telephoned Sergeant Ojeda and requested he respond to the custody line. When Sergeant Ojeda responded, Deputy Gamboa briefed him about the situation.

Suspect Rivera refused to comply with Sergeant Ojeda's direction to be fingerprinted unless the watch commander, Lieutenant Kim, was present. Deputy Gamboa observed Deputy Greene telephone Lieutenant Kim to request his response to the incident.

Lieutenant Kim arrived on-scene and spoke with Sergeant Ojeda. Sergeant Ojeda developed a plan wherein Deputy Gamboa was to attempt to fingerprint Suspect Rivera with Custody Assistant Santos standing by as security. The plan

was also to "back off" should Suspect Rivera exhibit any signs of being resistive. Deputy Gamboa could not recall if there was a contingency plan should the inmate become assaultive.

At Sergeant Ojeda's direction, Deputy Gamboa approached Suspect Rivera with an ink roller. Suspect Rivera stood quickly and punched his right jaw/right clavicle area one time.

Deputy Gamboa responded by dropping the ink roller, grabbing hold of Suspect Rivera's right shoulder with his left hand and punching Suspect Rivera's facial/upper torso area three times with his right hand. Deputy Gamboa said a blast of OC spray from an unknown source made contact with his face. Deputy Gamboa was strongly affected by the OC spray which limited his vision and disengagement from the assaultive inmate was not a viable option.

As the fight ensued, Deputy Gamboa heard an unknown person say, "Take him down." He sensed additional personnel taking Suspect Rivera to the floor but he was unable to identify them or describe their actions. In the process, Deputy Gamboa held Suspect Rivera's head and shoulders with his arms as they went to the ground.

With sufficient personnel on-scene and the lack of resistance displayed by Suspect Rivera, Deputy Gamboa disengaged from the altercation and was escorted outside by Deputy Portillo to provide relief from his contact with OC spray.

Deputy Gamboa sustained an abrasion to his neck as a result of the suspect's actions. After the incident, Deputy Gamboa discovered Suspect Rivera had been previously de-classified as a K-10 (High Jail Security Risk) inmate.

INVOLVED EMPLOYEE CUSTODY ASSISTANT AGUSTIN SANTOS

Custody Assistant Santos stated he was working EM shift as a Title 15 Officer on the custody line on December 14, 2017. At approximately 0245 hours, Suspect Rivera arrived to the custody line from Men's Central Jail. Deputy King approached Suspect Rivera and obtained his pass for the outgoing state line.

Suspect Rivera would not allow Deputy King to fingerprint him due to his sovereign citizen status. When additional personnel attempted to retrieve Suspect Rivera's fingerprints, he declined and requested a sergeant.

Suspect Rivera sat on the metal bench in front of the deputy station. To gauge Suspect Rivera's intentions, Custody Assistant Santos ordered him to handcuff himself to the fixed restraint attached to the bench. Although Suspect Rivera complied by handcuffing himself to the bench, Custody Assistant Santos sensed something was wrong with Suspect Rivera's behavior, coupled with his

statements of being a sovereign citizen. Suspect Rivera stared at Custody Assistant Santos as though "sizing him up" for a fight **[CUSTODY ASSISTANT SANTOS, TRANSCRIBED INTERVIEW STATEMENTS, page 8]**.

Sergeant Ojeda contacted Suspect Rivera in an attempt to obtain his fingerprints. Suspect Rivera refused and requested Lieutenant Kim.

Sergeant Ojeda formulated a plan in which Deputy Gamboa would obtain Suspect Rivera's fingerprints and Custody Assistant Santos would deploy his OC spray. Sergeant Ojeda did not discuss a secondary plan.

An attempt was made by Deputy Gamboa to obtain Suspect Rivera's fingerprints but he slid quickly away and stated, "No, I'm not giving you my fingerprints." **[CUSTODY ASSISTANT SANTOS, TRANSCRIBED INTERVIEW STATEMENTS, pages 4, 12, 13, 14 and 15]**. Custody Assistant Santos said Suspect Rivera was told to, "Relax," because another attempt would be made to obtain his fingerprints.

Suspect Rivera exhaled loudly as though he were "pumping himself up" to fight. This occurred around the time Lieutenant Kim responded. Additionally, Suspect Rivera refused Lieutenant Kim's instruction to be fingerprinted.

After retrieving an ink roller from the custody line desk, Deputy Gamboa bent over in front of Suspect Rivera. Suspect Rivera quickly stood and punched Deputy Gamboa's right chin/cheek area with his left fist.

Custody Assistant Santos employed a quick, one second burst of OC spray onto Suspect Rivera but was uncertain if the blast landed on Suspect Rivera's person because the spray appeared to have no effect on the inmate.

As Suspect Rivera tucked his head downward, Custody Assistant Santos punched his upper back and rear head area two or three times with his right fist. Suspect Rivera attempted to grab and/or punch Deputy Gamboa's shoulder/head area an unknown number of times. Simultaneously, Custody Assistant Santos saw Deputy Gamboa counter Suspect Rivera's assault with an unknown number of punches.

IAB NOTE: Custody Assistant Santos told IAB investigators he clenched his OC spray canister within his right fist as he delivered numerous punches to Suspect Rivera's head and upper torso. He was uncertain whether the canister made contact with Suspect Rivera during the altercation [CUSTODY ASSISTANT SANTOS, TRANSCRIBED INTERVIEW STATEMENTS, page 21 and 26]. Custody Assistant Santos also said he released hold of his OC spray canister just prior to handcuffing the inmate.

There were no visible traces of damage or blood on the canister. See canister photograph in EXHIBIT B.

During the altercation, Custody Assistant Santos heard unknown personnel say, "Take him down," multiple times.

Custody Assistant Santos delivered two right handed "uppercut" punches to Suspect Rivera's face but was unsure where the strikes landed since Suspect Rivera's head remained in a downward posture. Custody Assistant Santos was struck on his left cheek (or "headbutted") by the back of Suspect Rivera's head, as Suspect Rivera forcefully stood to continue fighting with personnel.

Suspect Rivera used his head to intentionally strike Custody Assistant Santos' stomach and he responded by punching Suspect Rivera's left rib area two or three times with his right fist. Suspect Rivera punched him in his right rib/hip area, while grabbing at his waist.

Custody Assistant Santos grabbed hold of the back of Suspect Rivera's shirt and as Deputy [redacted] pushed Suspect Rivera's back, they successfully took Suspect Rivera to the floor.

Once on the floor, Custody Assistant Santos overcame Suspect Rivera's resistance by grabbing hold of Suspect Rivera's left arm and by handcuffing his left wrist; with the assistance of Deputy [redacted] he handcuffed the inmate's right wrist.

Custody Assistant Santos sustained slight pain to his left cheekbone. After the altercation, Custody Assistant Santos saw Suspect Rivera's head was bleeding; he was unaware of the cause of the bleeding injury. Custody Assistant Santos and Deputy [redacted] positioned Suspect Rivera in a recovery position until the arrival of medical personnel.

INVOLVED EMPLOYEE DEPUTY [redacted]

Deputy [redacted] told IAB investigators while working EM shift December 14, 2017, as the Senior Line Deputy, he and Lieutenant Kim responded to the custody line regarding Suspect Rivera's refusal to be fingerprinted for an outgoing transfer line.

Deputy [redacted] heard Lieutenant Kim explain to Suspect Rivera the Department's procedure for fingerprinting inmates enroute to state prison. He also heard Suspect Rivera tell Lieutenant Kim in a "concise" and "articulate" manner, he was a sovereign citizen.

Deputy [redacted] was uncertain whether Suspect Rivera agreed to be fingerprinted but stated he did not appear violent. Sergeant Ojeda developed a plan for

Deputy Gamboa to retrieve Suspect Rivera's fingerprints via an ink roller; Lieutenant Kim gave "some sort of approval" for the plan.

Deputy [redacted] and Custody Assistant Santos were not assigned specific duties with regard to the plan. However, Sergeant Ojeda told personnel to "back off" if Suspect Rivera resisted being fingerprinted. Deputy [redacted] did not hear a contingency plan discussed by Sergeant Ojeda, should the inmate become assaultive **[DEPUTY [redacted] TRANSCRIBED INTERVIEW STATEMENTS, page 14 and 15]**.

Deputy [redacted] and Custody Assistant Santos stood by Deputy Gamboa as he reached to apply the ink roller to Suspect Rivera's right hand. Suddenly, Suspect Rivera slid to his right, stood and punched Deputy Gamboa's face once with his left fist. Deputy Gamboa staggered back but re-engaged with the inmate, utilizing nondescript hand and arm movements.

Custody Assistant Santos grabbed hold of Suspect Rivera's upper torso and punched his upper back/neck area three times with this right fist. Custody Assistant Santos' punches seemed to have minimal effect, since Suspect Rivera continued to fight with personnel.

Deputy [redacted] attempted to grab hold of Suspect Rivera as Custody Assistant Santos pulled Suspect Rivera's shirt (and body) away from the bench with his left hand while punching him two to three times in his left rib area with his right fist. Throughout the encounter, Deputy [redacted] heard unknown personnel shout commands for the inmate to stop fighting.

Deputy [redacted] pushed Suspect Rivera's upper back forward with both his hands while using his right foot to trip Suspect Rivera. When the suspect landed on the floor, Deputy [redacted] controlled Suspect Rivera's resistive right arm/hand with a control hold, as Custody Assistant Santos controlled his left arm/hand. Deputy [redacted] could not remember who handcuffed Suspect Rivera.

Deputy [redacted] generated the takedown of Suspect Rivera of his own accord; he did not hear Lieutenant Kim or Sergeant Ojeda direct personnel to conduct a takedown.

After the use of force, Deputy [redacted] saw Suspect Rivera sustained an approximate one inch laceration to his forehead/eye area; he did not see the inmate's head strike the floor. Deputy [redacted] stated personnel placed Suspect Rivera in a right recovery position while awaiting medical staff.

During the debriefing, Sergeant Ojeda asserted a contingency plan should have been in place to account for the inmate's assaultive actions **[DEPUTY [redacted] TRANSCRIBED INTERVIEW STATEMENTS, page 31]**.

EMPLOYEE WITNESS SERGEANT BERNARD OJEDA

While working as the 1st and 2nd Floor Sergeant on EM shift on December 14, 2017, Sergeant Ojeda stated Deputy Gamboa contacted him regarding Suspect Rivera's refusal to be fingerprinted.

Sergeant Ojeda contacted Lieutenant Kim, and both agreed although there were alternate methods to positively identify the inmate, a "good faith" effort should be made to fingerprint him.

Sergeant Ojeda contacted Suspect Rivera who was handcuffed to a bench at the custody line and attempted to get him to voluntarily comply with being fingerprinted. Suspect Rivera refused and stated he did not "associate with any government."

Sergeant Ojeda devised a plan to retrieve Suspect Rivera's fingerprints which he relayed to personnel on-scene. Sergeant Ojeda assigned Deputy Gamboa to use an ink roller to get the fingerprints while Custody Assistant Santos was on-hand with his OC spray deployed; Deputy [redacted] was tasked with participating in any contingencies, such as a use of force.

> **IAB NOTE: Sergeant Ojeda told IAB investigators the planned contingency for assaultive actions by Suspect Rivera was to, "Back out, we weren't going to continue with the operation." [SERGEANT OJEDA, TRANSCRIBED INTERVIEW STATEMENTS, page 25].**

When Sergeant Ojeda and his personnel approached Suspect Rivera a second time, he remained uncooperative but agreed to be fingerprinted in the presence of the watch commander. Sergeant Ojeda stated Suspect Rivera remained "very calm" with "no hint of being aggressive or resistant."

Lieutenant Kim responded and attempted to gain Suspect Rivera's compliance. Suspect Rivera refused to be fingerprinted based on his non-association with the government. After reiterating to personnel their assigned duties, and at the direction of Lieutenant Kim, Sergeant Ojeda and his personnel approached Suspect Rivera to retrieve his fingerprints.

As Deputy Gamboa leaned in to fingerprint Suspect Rivera, Suspect Rivera stood and punched the left side of Deputy Gamboa's face, near the jaw, once with his left fist. Sergeant Ojeda said he heard a "thump" sound **[SERGEANT OJEDA, TRANSCRIBED INTERVIEW STATEMENTS, page 24].**
Sergeant Ojeda saw Deputy Gamboa push against Suspect Rivera as Custody Assistant Santos employed a short burst of OC spray, which was ineffective. Sergeant Ojeda saw Custody Assistant Santos attempting to grab hold of Suspect Rivera's upper torso with his arms.

Sergeant Ojeda stated he observed Suspect Rivera attempting to remain engaged and upright as Deputy [redacted] moved him against the wall with his arms and bodyweight. He heard an unknown personnel shout commands for Suspect Rivera to stop resisting.

After a brief struggle with Suspect Rivera, he was taken to the floor by personnel in a "controlled" manner. However, Sergeant Ojeda did not direct deputies to conduct a takedown maneuver of the inmate nor did he hear any personnel state, "Takedown." **[SERGEANT OJEDA, TRANSCRIBED INTERVIEW STATEMENTS, page 24].**

> **IAB NOTE: In Sergeant Ojeda's supplemental report [EXHIBIT A], he indicated he directed personnel to takedown Suspect Rivera.**

Once on the floor, Suspect Rivera stopped resisting. He noticed the inmate sustained an approximate one inch laceration on the top of his head; the cause of the injury was unknown. Sergeant Ojeda said his personnel treated Suspect Rivera's injury with clean towels until the arrival of medical staff and paramedics.

With regard to a debriefing with his personnel post-incident, Sergeant Ojeda stated, "We did everything the best we could based on what we had." **[SERGEANT OJEDA, TRANSCRIBED INTERVIEW STATEMENTS, page 35 and 38].**

<u>EMPLOYEE WITNESS LIEUTENANT ERICK KIM</u>

While working as the EM Watch Commander at IRC on December 14, 2017, at approximately 0245 hours, Lieutenant Kim stated Sergeant Ojeda telephoned him about a non-recalcitrant inmate (Rivera) who refused to provide his fingerprints on the custody line. **[LIEUTENANT KIM, TRANSCRIBED INTERVIEW STATEMENTS, page 4].**

Lieutenant Kim and Sergeant Ojeda devised a plan based on policy requiring inmates released to state prison to be fingerprinted; their intention was to put forth a "good faith" effort to obtain Suspect Rivera's fingerprints.

Lieutenant Kim said the secondary plan was to "back off" and to positively identify Suspect Rivera via Photo Manager if he resisted in any way. Lieutenant Kim said there was no specific contingency if the inmate became assaultive, other than for personnel to "back off." **[LIEUTENANT KIM, TRANSCRIBED INTERVIEW STATEMENTS, page 10].**

At about 0315 hours, Deputy Greene called his office to request his presence at the custody line; Lieutenant Kim was informed Inmate Rivera would agree to be fingerprinted in his presence.

Upon his arrival at the custody line, Lieutenant Kim spoke with Suspect Rivera who was "calm" and not aggressive; Suspect Rivera refused Lieutenant Kim's request to be fingerprinted, based on his claim of sovereign citizenship. After Lieutenant Kim conferred with Sergeant Ojeda, they commenced to execute their plan which included Deputy Gamboa's task of retrieving the fingerprints as Deputy [redacted] and Custody Assistant Santos stood by as security. As Deputy Gamboa motioned toward Suspect Rivera, he quickly stood and punched Deputy Gamboa's chin/clavicle area with his left hand.

Deputy Gamboa stumbled backward as Custody Assistant Santos quickly sprayed Suspect Rivera and struggled to grab hold of Suspect Rivera's arms and shoulders. Deputy [redacted] applied control holds to the inmate's upper torso to overcome the effect of his punches toward personnel. Lieutenant Kim heard unknown personnel order Suspect Rivera to stop fighting multiple times.

Lieutenant Kim said personnel struggled with the inmate as they pushed him against the wall and ended up on the floor. The personnel did not execute a takedown of Suspect Rivera since, "It was a slow, gradual position, repositioning to the floor." **[LIEUTENANT KIM, TRANSCRIBED INTERVIEW STATEMENTS, page 5].**

As Deputy [redacted] and Custody Assistant Santos went to the floor with Suspect Rivera, Deputy Gamboa controlled Suspect Rivera's head/neck area and prevented it from striking the floor. Throughout the altercation, Sergeant Ojeda actively supervised the scene, while directing additional personnel back to their work locations.

Lieutenant Kim observed Suspect Rivera sustained a laceration to his head and Deputy Gamboa sustained a laceration to his lip and exposure to OC spray. Personnel placed Suspect Rivera in a recovery position and provided him with towels to treat his laceration.

After the incident, Sergeant Ojeda conducted a debriefing with personnel about logistical items; there was no discussion during the debrief about tactical concerns or issues **[LIEUTENANT KIM, TRANSCRIBED INTERVIEW STATEMENTS, page 22].**

IAB NOTE: Lieutenant Kim told IAB investigators after the incident he discovered Suspect Rivera had been declassified as a K-10 inmate in October of 2017 with a history of "refusing to go to court" and "to Wayside" resulting in a use of force. He also stated Suspect Rivera also had

been previously disciplined for possessing "shanks" or jail-made weapons [LIEUTENANT KIM, TRANSCRIBED INTERVIEW STATEMENTS, page 26].

EMPLOYEE WITNESS DEPUTY KATHYRN GREENE

Deputy Greene stated she was working EM shift as a custody line Deputy on December 14, 2017. At approximately 0240 hours, Suspect Rivera arrived to the custody line to be processed for his transfer to Calipatria State Prison. Deputy Greene heard Deputy King tell Suspect Rivera he needed to be fingerprinted.

Suspect Rivera had a "calm" demeanor and told Deputy King he would not agree to be fingerprinted, due to his sovereign citizen status.

Deputy Greene interceded by explaining to Suspect Rivera taking his fingerprints was a common procedure applied to all outgoing inmates; Suspect Rivera still refused to be fingerprinted and requested a sergeant.

As an unknown deputy requested Sergeant Ojeda, Deputy Greene heard Custody Assistant Santos order Suspect Rivera to sit on a bench and to handcuff himself to the fixed restraint attached to the bench; Suspect Rivera complied.

When Sergeant Ojeda arrived on-scene, Deputy Greene spoke to Suspect Rivera who again refused to be fingerprinted. Suspect Rivera requested the watch commander.

Sergeant Ojeda directed her to contact Lieutenant Kim who immediately responded to the incident. Deputy Greene was uncertain of Lieutenant Kim's role while on-scene.

Deputy Greene said with regard to contacting Suspect Rivera with supervisors on-scene, "I know there was a plan. I just don't know what the plan was." She did not have a role but stated Sergeant Ojeda,"chose to only use two (personnel)" to prevent Suspect Rivera from feeling overcrowded.

At 0306 hours, Deputy Greene peripherally saw Suspect Rivera stand and aggressively advance his arm toward Deputy Gamboa's face/chest area; she heard a loud "thud" as though contact were made.

Deputy Greene ran from behind the deputy station to assist while broadcasting radio traffic of a deputy-involved fight.

By the time she arrived to the altercation, Suspect Rivera was on the floor with Deputy Gamboa and Custody Assistant Santos who were in control of his upper torso. Deputy Greene straddled Suspect Rivera's lower body and wrapped her arms around his legs and applied a hobble restraint with the assistance of

Witness [redacted] to prevent him from kicking. Deputy Greene also applied a waist chain to Suspect Rivera, with the assistance of Witness [redacted] at no point throughout her contact with Suspect Rivera did he physically resist her actions.

After the altercation, Deputy Greene saw Suspect Rivera's head bled heavily from a one inch laceration above his right eye. She and personnel provided aid to the injury by putting towels under Suspect Rivera's head and placing him in a modified recovery positon until medical personnel arrived on-scene.

Deputy Greene later realized OC spray had been employed by unknown personnel, due to smelling its presence as well as Deputy Gamboa's reaction to it.

At the conclusion of the incident, Sergeant Ojeda conducted a debriefing with personnel. Deputy Greene could not remember any pertinent information discussed during the debriefing.

EMPLOYEE WITNESS DEPUTY DOUGLAS KING

Deputy King stated he was working EM shift as a custody line Deputy on December 14, 2017. Suspect Rivera arrived to custody line for transfer to state prison and refused to be fingerprinted due to his alleged sovereign citizen status. Suspect Rivera appeared "a little cocky but kind of mellow" and sat on one of the custody line benches.

Sergeant Ojeda responded to the incident and devised a method to contact Suspect Rivera.

Deputy King heard Sergeant Ojeda tell Suspect Rivera he and the deputies present would take his fingerprints by putting his hand "in ink and then we're gonna put it on the piece of paper." He also heard Sergeant Ojeda instruct personnel to, "Let go," if at any time Suspect Rivera resists.

Deputy King was not part of the effort to obtain fingerprints as directed by Sergeant Ojeda. Deputy King and Custody Assistant Hernandez stood at the deputy desk, 30-40 feet from Sergeant Ojeda and personnel as they spoke to Suspect Rivera.

Deputy King heard a radio transmission on his Department-issued radio of "415 Inmate/Deputy." When he turned to face Suspect Rivera, Deputy King saw Deputies [redacted] Gamboa and Greene and Custody Assistant Santos with their backs toward him (and Suspect Rivera laying on the ground).

IAB investigators referenced Deputy King's supplemental report statement the aforementioned personnel were "wrestling" to gain control of Suspect Rivera. **[DEPUTY KING, TRANSCRIBED INTERVIEW STATEMENTS, page 9]**. Deputy

King clarified the personnel were putting their hands on his (Suspect Rivera's) back and side to get him to "stay still" on the "ground."

With regard to his supplemental report statement, "Suspect Rivera fell to the floor from the bench," Deputy King was unable to clarify the meaning of his written statement with the exception of an assumption Suspect Rivera "probably" slipped off the bench caused by his body motions and the personnel's hands **[DEPUTY KING, TRANSCRIBED INTERVIEW STATEMENTS, page 10]**.

> **IAB NOTE: When IAB investigators asked Deputy King what actions he saw Suspect Rivera make toward personnel during the encounter, he stated, "Nothing." Deputy King further stated, "I just remember hearing it, turning and whatever had happened was done at that point." [DEPUTY KING, TRANSCRIBED INTERVIEW STATEMENTS, page 15 and 16].**

Once the altercation ended, Deputy King saw Suspect Rivera sustained a laceration near the top of his head. Deputy King secured Suspect Rivera's head/back area by slightly holding it off the floor to prevent neck trauma and awaited the arrival of medical personnel.

EMPLOYEE WITNESS CUSTODY ASSISTANT JUAN HERNANDEZ

Custody Assistant Hernandez said he was working EM shift at the custody line on December 14, 2017. He stated Suspect Rivera refused to be fingerprinted by Deputy Gamboa due to his sovereign citizen status. He added Suspect Rivera displayed a "calm" demeanor.

Sergeant Ojeda contacted Suspect Rivera with Deputies Gamboa and [redacted] and Custody Assistant Santos. Custody Assistant Hernandez was positioned 12-15 feet (and facing away) from Sergeant Ojeda and the personnel as they spoke to Suspect Rivera.

Moments later, Custody Assistant Hernandez heard a struggle and "415 Dep" broadcasted on his Department-issued handheld radio.

When he turned to face the altercation, Custody Assistant Hernandez saw Suspect Rivera laying in a prone position on the floor; Suspect Rivera was not resisting personnel's effort to ensure he remained on the floor. Custody Assistant Hernandez was unable to remember which personnel he saw securing Suspect Rivera or what their specific actions were.

Custody Assistant Hernandez did not insert himself into the altercation since there were sufficient personnel involved. He saw blood on the floor which was

from a head or facial injury sustained by Suspect Rivera during the incident. Custody Assistant Hernandez did not know what caused the inmate's injury.

Custody Assistant Hernandez authored a supplemental report to document the event and his actions. However, he clarified although he wrote he "witnessed" force, he did not see force being used by personnel. Specifically, Custody Assistant Hernandez remembered "hearing chains" caused by "some kind of struggle."

EMPLOYEE WITNESS CUSTODY ASSISTANT ADAM LOPEZ

Custody Assistant Lopez stated he was working EM shift in the Release Hallway on December 14, 2017. At 0300 hours, Custody Assistant Lopez said he responded to the custody line based on radio traffic he heard which broadcasted a "disturbance" or "fight" was occurring at the custody line.

Upon arrival at the custody line, Custody Assistant Lopez said saw Suspect Rivera on the floor, surrounded by deputies and custody assistants. Since personnel had their backs to him, Custody Assistant Lopez was unable to identify them or see what actions they did to Suspect Rivera.

Custody Assistant Lopez said Suspect Rivera appeared to be resisting by "moving side-to-side" but "I was only able really to see his head." Custody Assistant Lopez did not see injuries on Suspect Rivera but saw blood on the floor from an unknown source.

At the direction of Sergeant Ojeda, Custody Assistant Lopez provided security for the areas near Tower 2 and the IRC Ramp.

After his initial statements about the incident, IAB investigators admonished Custody Assistant Lopez and showed him a video of the altercation. Upon viewing the footage, he clarified he was uncertain whether Suspect Rivera moved while on the floor.

NON-EMPLOYEE WITNESS [redacted]

Witness [redacted] stated he resigned from the Department (after the incident) in December of 2017, and currently is an officer with Buena Park Police Department. Witness [redacted] said he was working EM shift as a custody line Deputy at IRC on December 14, 2017.

Suspect Rivera arrived at the custody line to be processed for his outbound transfer but refused to be fingerprinted by personnel. Sergeant Ojeda responded to speak with Suspect Rivera. Witness [redacted] heard a "scuffle" involving Suspect Rivera and personnel; simultaneously he heard a radio broadcast of

"415." He immediately saw Deputy [redacted] and Custody Assistant Santos conducting a takedown on Suspect Rivera.

Witness [redacted] stated he went to assist personnel by applying a hobble to Suspect Rivera's legs. Suspect Rivera did not resist the application of the hobble restraint.

NON-EMPLOYEE WITNESS DOCTOR MOLLY HARTRICH

Witness Hartrich stated she treated Suspect Rivera on December 14, 2017, at the Los Angeles County/USC Medical Center. His injuries included a left orbital floor fracture and a two centimeter laceration above his right forehead. The laceration was treated with three sutures. Witness Hartrich told IAB investigators Suspect Rivera's injuries were consistent with him being involved in a physical altercation with personnel.

Witness Hartrich stated the injuries, in her opinion, were, "fresh from the incident."

SUSPECT/INMATE MICHAEL RIVERA

Suspect Rivera initially told IAB investigators he would not discuss the incident unless he had a United States Attorney present. He intended to file a tort claim. Suspect Rivera stated he was restrained during a use of force and he experienced memory loss. Suspect Rivera said his last memory was being in a pool of blood.

Suspect Rivera said firefighters tried to "keep him alive" enroute to the hospital. He could not see how he got to the hospital because he had "pepper" spray" in his eyes.

He complained of soreness to his jaw and other facial or head injuries. Suspect Rivera said his treating physician at Los Angeles County/USC Medical Center mentioned to him "something about fractured ribs."

Suspect Rivera told IAB investigators he was not under the influence of drugs or alcohol during the altercation and does not have a history of mental illness.